

SEP 30 1993

Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matters of )

Application of )

Capitol Radiotelephone Inc. )

d.b.a. Capitol Paging )

1420 Kanawha Blvd. E. )

Charleston, West Virginia 25301 )

For a Private Carrier Paging Facility )

on the Frequency 152.480 MHz in )

Huntington/Charleston, West Virginia )

and )

Imposition of Forfeiture Against )

Capitol Radiotelephone Inc. )

d.b.a. Capitol Paging )

1420 Kanawha Blvd. E. )

Charleston, West Virginia 25301 )

Former Licensee of Station WNSX-646 )

in the Private Land Mobile Radio )

Services )

and )

Revocation of License of )

Capitol Radio Telephone Inc. )

d.b.a. Capitol Paging )

1420 Kanawha Blvd. E. )

Charleston, West Virginia 25301 )

Licensee of Station WNDA-400 in the )

Private Land Mobile Radio Services )

and )

Revocation of License of )

Capitol Radio Telephone Inc. )

d.b.a. Capitol Paging )

1420 Kanawha Blvd. E. )

Charleston, West Virginia 25301 )

Licensee of Station WNWW-636 in the )

Private Land Mobile Radio Services )

PR Docket No. 93-231

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SEP 30 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

and )  
)  
Revocation of License of )  
)  
Capitol Radiotelephone Company, Inc. )  
1420 Kanawha Boulevard East )  
Charleston, West Virginia 25301 )  
)  
Licensee of Station KWU-373 in the )  
Public Mobile Radio Service )  
)  
and )  
)  
Revocation of License of )  
)  
Capitol Radiotelephone Company, Inc. )  
P. O. Box 8305 )  
South Charleston, West Virginia 25303 )  
)  
Licensee of Station KUS-223 in the )  
Public Mobile Radio Service )  
)  
and )  
)  
Revocation of License of )  
)  
Capitol Radiotelephone Co., Inc. )  
1420 Kanawha Boulevard East )  
Charleston, West Virginia 25301 )  
)  
Licensee of Station KQD-614 in the )  
Public Mobile Radio Service )  
)  
and )  
)  
Revocation of License of )  
)  
Capitol Radiotelephone Company, Inc. )  
1420 Kanawha Boulevard )  
East Charleston, West Virginia 25301 )  
)  
Licensee of Station KWU-204 in the )  
Public Mobile Radio Service )

To: The Honorable Joseph Chachkin, Administrative Law Judge

JOINT MOTION TO CHANGE ISSUE

The Chief, Private Radio Bureau, Capitol Radiotelephone Company, Inc.  
(a/k/a Capitol Radiotelephone, Inc. or Capitol Radio Telephone, Inc.) d/b/a  
CAPITOL PAGING ("Capitol") and RAM Technologies, Inc. ("RAM") by their

attorneys and pursuant to Section 1.229 of the Commission's Rules, 47 C.F.R. § 1.229, hereby move to change the issue designating the application of Capitol Radiotelephone Inc. d.b.a. Capitol Paging for a private carrier paging facility on the frequency 152.480 MHz in Huntington/Charleston, West Virginia for hearing. The parties move to change this issue from a designation of application for hearing to, instead, a revocation matter.

In support of this motion, the parties advance the following discussion. The Commission based the hearing designation order aspect of this proceeding upon placing the application of Capitol that resulted in grant of station WNSX646 back in pending status because of the pendency of a petition for reconsideration that had been filed by RAM. It now appears, however, that RAM voluntarily withdrew that Petition for Reconsideration by letter dated April 10, 1991. A true copy of RAM's withdrawal of its Petition for Reconsideration, with the Commission's time stamp indicating Commission receipt of that document, is appended to this Motion as Attachment 1.

Based upon this document, it appears that the grant of station WNSX646 should not have been returned to pending status for ruling upon RAM's Petition for Reconsideration, for that petition was not pending but had been voluntarily withdrawn. Accordingly, to be consistent with other Commission action regarding Capitol's licenses in the Hearing Designation Order, Order to Show Cause and Notice of Opportunity for Hearing, Capitol's application that resulted in grant of station WNSX646 should not have been designated for hearing. Rather, the Commission's Order to Show Cause why certain stations licensed to Capitol should not be revoked should also have included station WNSX646.

The parties move, therefore, that Capital's application no longer be designated for hearing and that, in place of this issue, the Commission's

Order to Show Cause why certain stations licensed to Capitol should not be  
revoked should now include station WNSX646.

Respectfully submitted,

CHIEF, PRIVATE RADIO BUREAU

By: John J. Borkowski  
John J. Borkowski

CAPITOL RADIOTELEPHONE COMPANY,  
INC. d/b/a CAPITOL PAGING

By: Kenneth E. Hardman  
Kenneth E. Hardman *by JEB \**  
\* SEE ATTACHED FAX SIGNATURE PAGE  
RAM TECHNOLOGIES, INC.

By: Frederick M. Joyce  
Frederick M. Joyce *by JMB*

September 30, 1993

09/28/93 11:41

KENNETH E. HARDMAN  
202 834 7851  
FEDCOMCON

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Order to Show Cause why certain stations licensed to Capitol should not be  
revoked should now include station WWSXGAG.

Respectfully submitted,

CHIEF, PRIVATE RADIO DURHAM

By:

John J. Borkowski

CAPITOL RADIOTELEPHONE COMPANY,  
INC. d/b/a CAPITOL PAGING

By:

  
Kenneth E. Hardman

RAM TECHNOLOGIES, INC.

By:

Frederick M. Joyce

September 30, 1993

ATTACHMENT 1  
JOYCE & JACOBS

ATTORNEYS AT LAW  
2300 M STREET, NW.  
EIGHTH FLOOR  
WASHINGTON, D.C. 20037

(202) 457-0100

MARYLAND OFFICE  
CHEVY CHASE METRO BUILDING  
TWO WISCONSIN CIRCLE  
SEVENTH FLOOR  
CHEVY CHASE, MD 20816

FACSIMILE  
(202) 457-0186

April 10, 1991

Via Hand Delivery

Ralph A. Haller, Chief  
Private Radio Bureau  
Federal Communications Commission  
Washington, DC 20554

RE: Capitol Radiotelephone Co., Inc.

Dear Mr. Haller:

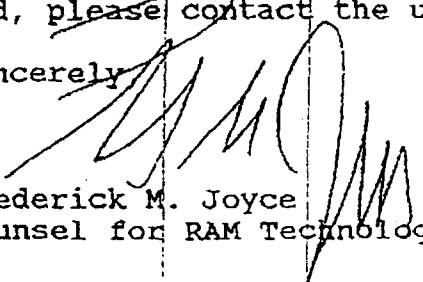
RAM Technologies, Inc., through its attorneys, in response to the Private Radio Bureau's request at the April 2, 1991 settlement conference, hereby withdraws its Petition for Reconsideration concerning Capitol Radiotelephone Company, Inc.'s application for private carrier paging license authorization on the 152.480 MHz frequency in Huntington and Charleston, WV.

At that meeting, the Bureau stated that any further instances of harmful interference would be responded to by an inspection from the FCC's Field Operations Branch. In addition, formal hearings would be held and license revocations would be ordered as necessary if the interference occurs again.

For the record, RAM's offer to pay to relocate Capitol's operations onto the 157.740 MHz frequency remains open; but Capitol has not agreed to this offer at this writing.

Thank you for your attention to this matter. Should there be any questions in this regard, please contact the undersigned.

Sincerely,

  
Frederick M. Joyce  
Counsel for RAM Technologies, Inc.

FMJ:est  
cc: Richard J. Shiben, Chief  
Carol Fox Foelak, Chief  
Kenneth Hardman, Esq.

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APR 10 1991  
FEDERAL COMMUNICATIONS  
COMMISSION  
OFFICE OF THE  
SECRETARY

CERTIFICATE OF SERVICE

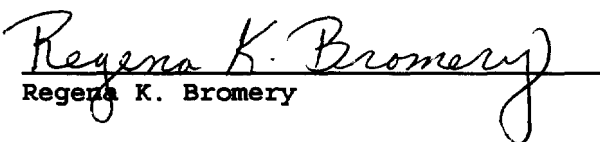
I, Regena K. Bromery, a secretary with the Private Radio Bureau, hereby certify that on this 30th day of September, 1993, copies of the foregoing Joint Motion to Change Issue were served, by first-class U.S. mail, upon the following:

Hon. Joseph Chachkin       \*  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
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Washington, DC 20554

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Joyce & Jacobs  
2300 M Street, N.W.  
Suite 130  
Washington, DC 20037

  
Regena K. Bromery

\* denotes hand delivery